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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CASTRO V. DECASTRO,

11 Petitioner,

12 vs.

13 ROBERT LEGRAND, *et al.*,

14 Respondents.
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Case No. 3:14-cv-00529-RCJ-WGC

ORDER

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18 This habeas matter comes before the court on several motions filed by both parties. On February
19 2, 2015, petitioner filed what he styled a (second) motion for appointment of counsel and a statement
20 of additional claims (ECF #9). Without responding to that motion, respondents filed a motion to
21 dismiss on February 17, 2015 (ECF #11). Petitioner thereafter filed a third motion for appointment of
22 counsel as well as a motion to stay proceedings (ECF #19).¹

23 In petitioner's so-called statement of additional claims he merely attached the state supreme
24 court order affirming his judgment of conviction (ECF #9). He asserts that the state court order of
25 affirmance shows seven additional claims that he is "unable to formulate for federal court review." *Id.*
26 He states in his most recent motion for appointment of counsel that a language barrier exists, inmate

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28 ¹ This filing was docketed as two motions at ECF #s 19 and 20. The court shall cite to the
motion as ECF #19.

1 law clerks have assisted him with every filing, he is handicapped, and the only part of any filing that
2 he has written himself is his signature (ECF #s 19, 23).

3 Further, petitioner appears to misapprehend respondents' pending motion to dismiss, that is, his
4 subsequent motion for counsel indicates that he believes that his petition is already subject to dismissal
5 as unexhausted and conclusory merely because respondents have filed a motion arguing as such (ECF
6 #19). Based on petitioner's filings subsequent to this court's order serving his original petition and his
7 sentence of twenty years to life, the court now concludes that appointment of counsel is appropriate.

8 In light of the appointment of counsel, respondents' motion to dismiss (ECF #11) shall be
9 denied without prejudice as premature.

10 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of counsel (ECF#9)
11 is **GRANTED**.

12 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada
13 ("FPD") is appointed to represent petitioner.


14 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD
15 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #4). The FPD
16 shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate
17 to the court its inability to represent petitioner in these proceedings.

18 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
19 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a first
20 amended petition.

21 **IT IS FURTHER ORDERED** that respondents' motion to dismiss (ECF #11) is **DENIED**
22 without prejudice as premature.

23 **IT IS FURTHER ORDERED** that respondents' motion for extension of time (ECF #10) is
24 **GRANTED** *nunc pro tunc*.

Dated this 28th day of April, 2015.


UNITED STATES DISTRICT JUDGE